

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DR. XIMENA P GALARZA-RIOS, MD,

Plaintiff,

v.

No. CV 20-813 MIS/CG
consolidated with
No. CV 20-900 MIS/CG

OPTUMCARE NEW MEXICO, LLC, et al.,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO WITHDRAW MOTION TO DISMISS

THIS MATTER is before the Court upon Plaintiff's *Unopposed Motion to Voluntarily Withdraw Rule 12(b)(6) Motion*, (the "Motion"), (Doc. 53), filed on January 12, 2022. In the Motion, Plaintiff seeks to withdraw her *Motion to Dismiss*, (Doc. 4 in 20-cv-900), "in light of Judge Brack's ruling on a similar motion in OptumCare New Mexico LLC v. Gutierrez-Barela, 20-cv-474-RB-SCY." *Id.* at 1. Plaintiff notes, further, that she does not concede the arguments made in her *Motion to Dismiss*, and that she "expressly reserves, and does not waive[,] her right to seek summary judgment on those same arguments." The Court, having reviewed the Motion and noting it is unopposed, finds the Motion is well-taken and shall be **GRANTED**.

IT IS THEREFORE ORDERED Plaintiff's *Unopposed Motion to Voluntarily Withdraw Rule 12(b)(6) Motion*, (Doc. 53), is **GRANTED**, and Plaintiff's *Motion to Dismiss*, (Doc. 4 in 20-cv-900 MIS/CG), is **WITHDRAWN**.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE